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**Commission on Ethics &
Public Trust
Miami-Dade County**

Memorandum

To: Andre Williams, Commission Candidate District 1

The Honorable Carlos Alvarez, Mayor
The Honorable Chairperson, Joe Martinez
Members, Board of County Commissioners

From: Robert Meyers, Executive Director, Commission on Ethics

Date: June 5, 2006

Re: Final Audit Report –Andre Williams’ Election Campaign 2004

Attached is your copy of the above-referenced final audit report.

Overall, the COE found that the campaign expenditures made from the Andre Williams campaign account that were subject to audit were in compliance with the requirements of Miami-Dade County Code §12-22 (G), “Use of Funds,” as no disallowed expenses were paid with public funds. However, the COE noted that the campaign exceeded the contributions/expenditure limits by \$7,183 which is noncompliant with Miami-Dade County Code §12-22 (e)(1). Also, the campaign failed to timely file trigger reports as required by County Code §12-22 (i).

With respect to Florida Statutes Title IX, Chapter 106, “Campaign Financing,” the COE noted several instances where there was a lack of compliance, with some violations more significant than others. The more significant areas of concern included cash payments to campaign workers, campaign expenditures paid to vendors through intermediaries, and the lack of supporting documentation for reimbursed expenses paid to a campaign consultant.

cc: Kartik Krishnaiyer, Campaign Treasurer
Kerry Rosenthal, Chairman, Commission on Ethics and Public Trust
Lester Sola, Supervisor of Elections

**COMMISSION ON ETHICS & PUBLIC TRUST
POST-ELECTION AUDIT OF THE CAMPAIGN ACCOUNT OF
ANDRE WILLIAMS
COMMISSION CANDIDATE 2004**

EXECUTIVE SUMMARY

Item No.	<u>Audit Findings</u>	<u>FL Statute/ County Code Violation</u>	<u>Comments</u>
1	During the primary election, the campaign's expenditures exceeded the \$150,000 expenditure limit by \$7,183. (p. 4)	Miami-Dade County Code §12-22 (e) (2) "... a candidate for the Board of County Commissioners may expend a total of one hundred fifty thousand dollars (\$150,000) during the primary election."	The Andre Williams campaign made expenditures totaling \$157,933.00 during the primary election. (See Exhibit A.)
2	The campaign failed to file a trigger report to make known publicly that the campaign expenditures and/or contributions had reached 75% of the statutory limit. (p. 4)	Miami-Dade County Code §12-22 (i) states that "whenever a candidate...receives contributions or makes expenditures that exceed 75% of the applicable expenditure ceiling...the candidate shall, within 24 hours of reaching that level, file a report with the Supervisor of Elections..."	The Williams campaign reached the 75% expenditure limit (i.e., \$112,500) by July 26, 2004 and did not file the required trigger report with the Miami Dade County's Supervisor of Elections. (See Exhibit B.)
3	The campaign was not able to provide support for \$14,863.99 in expenditures. (p. 5)	Miami-Dade County Code §12-22 (f)(3)(a)(1) states that "each candidate receiving contributions from the Fund shall ...substantiate all campaign contributions and expenditures," with "all original cancelled checks, invoices, bank statements, receipts that include the name and business address of the person or entity providing the receipt and any other information required by the Commission on Ethics and Public Trust."	The Williams campaign was not able to provide, invoices, authorized timesheets or other documentations for transaction totaling \$14,863.99. Additionally, within this group of transactions, eleven checks were not properly completed as to purpose memo on the face of the document as required by Florida Statute §106.11(1)(b)(1)-(6) . (See Exhibit D.)

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EXECUTIVE SUMMARY

4	The campaign failed to dispose of the remaining campaign funds in its bank account within 90 days after the election date. (p. 6)	Miami-Dade County Code §12-22 (f)(6) and Florida Statute §106.141(4) require that the candidate dispose of any surplus funds remaining in the campaign account within 90 days of the election date.	The Williams campaign bank account should have been closed by November 30, 2004; however, the account was not closed until December 17, 2004. (See Exhibit F.)
5	The COE noted that the campaign reimbursed Mr. Omar Grant \$6,466.18 for campaign related expenses, of which only \$1,799 could be substantiated. Therefore, the COE could not verify whether \$4,667.16 of these reimbursements was made in compliance with Florida law. (pp. 6-7)	FL Stats. §106.021 (3) addresses what is allowable as a reimbursement from a candidate's campaign account, which includes office supplies, travel incidentals, food and beverage, etc.	(See Exhibit G.)
6	The campaign paid \$25,930 in cash to poll workers and canvassers. Also, a campaign consultant was issued a total of \$5,500 in checks which he then cashed to pay canvassers. (p. 7)	Florida Statute §106.12 , "Petty Cash Funds Allowed," states that the only cash payments allowed under state law are from a petty cash fund.. Expenditures for office supplies, transportation expenses, and other necessities are the only expenses allowed to be paid with petty cash funds."	(See Exhibits H, I and J.)

INTRODUCTION

In March of 2001, the Miami-Dade County Board of County Commissioners adopted Ordinance No. 01-39 (the Ordinance) for campaign financing reform and is codified in Miami-Dade County Code §12-22. The Ordinance is intended to make the political process more accessible to candidates who run for the office of County Mayor or Commissioner by providing eligible candidates with public funding from the Election Campaign Financing Trust Fund (the Fund).

The Ordinance establishes the eligibility requirements that a candidate must meet in order to receive public financing from the Fund. For the office of County Commissioner, each candidate who satisfies these requirements may be eligible for a maximum contribution of \$75,000 in the primary election, and an additional \$50,000 if a run-off election occurs. For the office of Mayor, each candidate who satisfies the eligibility requirements may receive \$300,000 for the primary election and an additional \$200,000 if the candidate is in a run-off election.

Additionally, the Ordinance requires the Commission on Ethics & Public Trust (COE) to conduct post-election audits ninety (90) days following the date of the election for those candidates who received public financing from the county. This is in keeping with both the requirements of §12-22 (f)(6) of the Code of Miami-Dade County and Florida Statute §106.141 (4), which require that the candidate dispose of any surplus funds remaining in the campaign account within 90-days of the election date by: (1) returning all surplus funds to the Election Campaign Financing Trust Fund; and, (2) any funds remaining in the campaign account that are in excess of the public funding received should be disposed of per Florida Statute §106.141, Disposition of Surplus Funds.

Accordingly, the COE conducted a post-election audit of the campaign account of Mr. Andre Williams, District 1 County Commission candidate, who received \$75,000 in public funding as a candidate for the Miami-Dade County commission primary election held on August 31, 2004.

PURPOSE & SCOPE OF THE AUDIT

The post-election audit conducted by the COE focuses primarily on campaign expenditures as other Miami-Dade County agencies have been involved in current, on-going examinations of all campaign contributions for those candidates who received public monies. Therefore, to avoid redundancy the COE focused on the following audit objectives:

1. Verify that the candidate complied with County Code §12-22 (e)(1), which sets forth the expenditure limits for those candidates who receive public financing.
2. Verify that the candidate complied with County Code §12-22 (g), which pertains to the “Use of Funds.” This section describes six (6) types of expenditures that public funds **cannot** be used for, which are as follows:
 - a) Clothing for a candidate or an immediate family member of the candidate, except for a political advertisement as defined in Florida Statute §106.001 (17). An immediate family member is defined as the spouse, parents, children, and siblings of the candidate.
 - b) The purchase or rental of any vehicle for a candidate.
 - c) The enhancement of any vehicle owned by a candidate or an immediate family member of the candidate.
 - d) Personal grooming or cosmetic enhancements for a candidate.
 - e) Payment to a candidate or an immediate family member for the purchase of any goods or services.
 - f) Payment to any corporation, firm, partnership, or business entity owned or controlled by a candidate or an immediate family member for the purchase of any goods or services. “Controlled by” shall mean ownership, directly or indirectly, of 5% or more of the outstanding capital stock in any corporation, or direct or indirect interest of 5% or more in a firm, partnership, or other business entity.
3. Verify that the candidate disposed of any surplus funds remaining in the campaign account within 90-days following the election as required by County Code §12-22 (F) (6) and Florida Statute §106.141 (4).
4. Review for compliance with applicable sections of Florida Statute Title IX, Chapter 106, “Campaign Financing”.

The COE obtained copies of all bank statements and cancelled checks drawn against the campaign account, original and/or copies of vendor invoices and receipts, as well as any other accounting records, contracts and/or documentation which would substantiate the amount and purpose of the candidate’s campaign expenditures.

The scope of the audit encompassed the period of February 12, 2004 through December 17, 2004, which coincides with the timeframe the campaign bank account was opened and subsequently closed by the candidate. Additionally, the COE audit strategy was to subject to audit 100% of the campaign expenditures exhibited on both the Campaign Treasurer’s Report and campaign bank statements.

SUMMARY OF CAMPAIGN ACCOUNT ACTIVITY

Based on a review of the Campaign Treasurer's Reports (CTRs), the Andre Williams campaign had a total of \$160,254.46 available to run the candidate's election campaign. Of the total \$160,254.46 in campaign funds, \$75,000 (47% of the total funds available) was received from the County's public trust fund and the remaining \$85,245.26 (53% of the total funds available) was acquired through private contributions, loans and in-kind services. A breakdown of how the total campaign funds were spent is exhibited in Table I. below and categorized by expense type:

TABLE I.

BREAKDOWN OF EXPENSES			
Expense Type	Dollar Amount of Expenses	% of Total Expenses	Allowable per §12-22 (g)?
Consulting Fees	\$ 49,002.55	30.58%	Yes
Advertising/Promotional	24,925.45	15.55%	Yes
Campaign Workers	21,422.93	13.37%	Yes
Campaign Material	20,547.00	12.82%	Yes
Repayment of Candidate Loan	20,000.00	12.48%	Yes
Expense Reimbursements ¹	5,353.22	3.34%	Yes / No
Political Signs	5,230.70	3.26%	Yes
Salary	3,040.00	1.90%	Yes
Rent	2,850.00	1.78%	Yes
Campaign Data	2,377.97	1.48%	Yes
Office Supplies	1,819.34	1.14%	Yes
Telephone	1,512.87	0.94%	Yes
Car Rental	1,253.89	0.78%	Yes
Election Qualifying Fee	360.00	0.22%	Yes
Food	214.00	0.13%	Yes
Bank Fees	177.75	0.11%	Yes
Miscellaneous expenses	166.79	0.10%	Yes
TOTAL:	\$160,254.46	100%	

The COE notes that the expense classifications used in Table I. above were taken from the description on the Candidate's Treasurer's Reports filed with the Miami-Dade County Department of Elections. In other words, the COE *did not* create these expense classifications; rather, the COE used the expense descriptions found in the candidate's campaign records.

¹ Expense reimbursements consist of reimbursement of expenses such as gas, food and office supplies. However, as noted below, some reimbursed expenses could not be verified by the COE as compliant with Florida law due to lack of receipts.

CANDIDATE'S COMPLIANCE WITH COUNTY CODE § 12-22

a. Noncompliance with Campaign Expenditures Limit

Miami-Dade County Code §12-22 (e) requires that the County Commission candidates who request public funding from the Fund limit their campaign contributions and expenditures to \$150,000 during the primary election unless one candidate exceeds the established contribution limit. If there is a run-off election, Miami-Dade County Code §12-22 (e)(2) limits a County Commission candidate's campaign contributions and expenditures to \$100,000.

AUDIT FINDING

Based on a review of the Campaign Treasurer's Reports (CTR), bank statements, cancelled checks, vendor invoices and receipts, the COE notes that the candidate exceeded the \$150,000 expenditure limit set forth by County Code §12-22 (e)(1) during the primary election held on August 31, 2004. According to campaign bank account records, as of August 14, 2004 the campaign received contributions, loans and public funding totaling \$157,933, thus exceeding the \$150,000 expenditure limit by \$7,183.² *{See Exhibit A for copies of supporting documentation.}*

b. Noncompliance with Campaign Expenditure Limit Trigger Reporting

County Code §12-22 (i) requires that when contributions or expenditures exceed 75% of the applicable expenditure limit provided in §12-22 (e), the candidate must, within 24 hours of reaching that level, file a report with the Supervisor of Elections stating that fact. Thereafter, the candidate must file with the supervisor of Elections within 24 hours of receiving contributions or making expenditures that exceed 100% of the applicable expenditure limit.

AUDIT FINDING

Based on a review of the CTRs and bank statements, the COE notes that on July 26, 2004 the campaign had received \$112,500.00, or 75%, of the \$150,000.00 expenditure limit, but failed to report it to the Supervisor of Elections as it also failed to report that it had raised the limit of \$150,000.00 by August 14, 2004. *{See Exhibit B for copies of supporting documentation.}*

² It is noted that for purposes of determining campaign expenditure limits, accounting and legal fees are not considered expenditures, according to Miami-Dade County Code §12-22 (e)(4). Therefore, \$750 in accounting fees was not included in the COE calculation of the excess expenditures.

C. Compliance with County Code §12-22, Subsection (g) “Use of Funds”

To verify the candidate’s compliance with Code §12-22 (g), “Use of Funds,” the COE scheduled all check payments issued from the candidate’s campaign account and verified that each campaign expense was supported by adequate documentation (i.e., a receipt or vendor invoice). For payments made to individuals from the campaign account, the COE researched whether the payee was an “immediate family member” of the candidate. “Immediate family member” refers to the candidate’s spouse, parents, children, and siblings. For payments made to business entities from the campaign account for the purchase of goods or services, the COE researched whether the business entity is owned or controlled by the candidate or an immediate family member of the candidate. Overall, the COE found that the candidate complied with the requirements of Code §12-22 (g), “Use of Funds,” for the public funding portion of the campaign account.

NO EXCEPTIONS NOTED.

d. Noncompliance with County Code §12-22, Subsection (f)(3)(a)(1)

Miami-Dade County Code §12-22 (f)(3)(a)(1) addresses the documentation requirements for campaign expenditures and indicates the following:

“Each candidate receiving contributions from the Fund shall submit to a post-election audit of his or her campaign account...detailed information to substantiate all campaign contributions and expenditures, which have not been previously substantiated, including, but not limited to, all original cancelled checks, invoices, bank statements, receipts that include the name and business address of the person or entity providing the receipt and any other information required by the Commission on Ethics and Public Trust.”

AUDIT FINDING

Based on a review of the CTRs and campaign account records, the COE identified \$14,863.99 in expenditures that were not supported by an invoice, authorized time sheet, or other documentation as stipulated in Miami-Dade County Code §12-22 (f)(3)(a)(1). Additionally, eleven (11) checks totaling \$3,116.55 did not exhibit a stated purpose for the expenditure on the face of the check as required by Florida Statute §106.11(1)(b)(1)-(6). *{See Exhibit D for copies of supporting documentation.}*

e. Noncompliance with County Code §12-22, Subsection (f)(6) “Disposal of Surplus Funds”

County Code §12-22 (f)(6) and Florida Statute §106.141(4) require that the candidate dispose of any surplus funds remaining in the campaign account within 90 days after the election date in the following manner: (1) return all surplus funds to the county’s Election Campaign Financing Trust Fund; and, (2) any funds remaining in the campaign account that are in excess of the county’s public funding received should be disposed of per Florida Statute §106.141, Disposition of Surplus Funds. Given that the election was on August 31, 2004, the 90-day period for returning any surplus funds ended on November 30, 2004.

AUDIT FINDING

The COE independently confirmed whether the campaign bank account was properly closed on or before November 30, 2004, the ninety-day (90) mandated timeframe, by requesting written confirmation from the banking institution as to when the campaign account was closed. The COE received a letter from Washington Mutual, dated January 20, 2005, indicating that the Andre Williams Campaign bank account was closed on December 17, 2004, which is seventeen (17) days after the 90-day deadline. *{See Exhibit F for copies of supporting documentation.}*

COMPLIANCE WITH FL STATUTE TITLE IX, CHAPTER 106, “CAMPAIGN FINANCING”

Election campaign finance laws are found in Florida Statute Chapter 106, Campaign Financing, and interpretations of these statutes are provided by the Florida Elections Commission as Elections Opinions. As part of this audit, the COE reviewed the relevant Florida statutes and the Elections Opinions to ensure the candidate’s campaign was in substantial compliance with the applicable statutory requirements.

Through inquiry of individuals associated with the Andre Williams campaign and review of the candidate’s campaign bank account records, cancelled checks, related vendor invoices, and other supporting documentation for campaign expenditures, the following are the COE’s audit findings with regards to compliance with Florida Statute Chapter 106.

a. Reimbursement Paid to Campaign Consultants for Payments to Vendors

Florida Statute §106.021(3) addresses what is allowable as a reimbursement from a candidate’s campaign bank account and specifically states the following:

“...a candidate or any other individual may be reimbursed for expenses incurred for travel, food and beverage, office supplies, and mementos expressing gratitude to campaign supporters by a check drawn upon the campaign account...”

Based on a review of bank records and the Campaign Treasurer's Reports for the Andre Williams campaign, the COE noted that the campaign reimbursed Mr. Omar Grant \$6,466.18 for campaign related expenses. Of the total \$6,466.18 in expenses, Mr. Grant was able to only substantiate with receipts approximately \$1,799, or 28%, of the campaign expenses which he incurred. Therefore, the COE could not verify whether \$4,667.16 of these reimbursements was made in compliance with Florida law.

Additionally, five (5) checks, totaling \$2,000, did not exhibit a stated purpose for the expenditure on the face of the check as required by Florida Statute §106.11(1)(b)(1)-(6). *{Exhibit G for copies of supporting documentation.}*

b. Cash Payments Paid to Campaign Poll Workers

The COE observed that a campaign consultant made cash payments to poll workers and other campaign vendors which is prohibited by Florida Statute §106.11(1)(a). The only cash payments allowed under state law are for petty cash, which is addressed in Florida Statute 106.12, "Petty Cash Funds Allowed." This statute specifically states that the only campaign expenditures allowed to be paid using *petty* cash are as follows:

1. Office supplies;
2. Transportation expenses; and,
3. Other necessities (i.e., when the campaign check book is not readily available to pay for incidentals.)

Specifically, the COE noted on two (2) separate occasions the campaign withdrew cash, totaling \$25,930, from the campaign bank account in order to pay poll workers: (1) \$10,890 on July 27, 2004; and, (2) \$15,040 on August 30, 2004. The campaign documented the cash payments to each poll worker by having each poll worker endorse the checks made payable to the poll worker and, subsequently, the campaign would void the checks and keep the voided checks as "receipts" to support the cash payments to each poll workers. *{See Exhibit H and Exhibit I for copies of supporting documentation.}*

Additionally, the Campaign Treasurer's Report F3-04 reflects that Mr. Omar Grant, a consultant for the campaign, received five checks payable to himself totaling \$5,500 which he then used to pay canvassing workers in cash. The COE did not observe any form of supporting documentation to substantiate the \$5,500 check payment. Additionally, four (4) of these checks, totaling \$3,500, did not exhibit a stated purpose for the expenditure on the face of the check as required by Florida Statute §106.11(1)(b)(1)-(6). *{See Exhibit J for copies of supporting documentation.}*

Lastly, the COE notes these campaign expenses described above do not qualify as petty cash expenses and even if the payments were legitimate petty cash reimbursements, they exceeded the limits for petty cash payments stipulated in Florida Statute §106.12.

OTHER AUDIT FINDINGS

Campaign Treasurer's Report vs. Bank Statements

The COE summarized the contributions and expenditure reported on all the CTRs filed by the campaign with the Miami-Dade County Department of Elections to ascertain the cumulative totals actually reported. The COE calculated cumulative campaign contributions reported total of \$155,246.84 and cumulative campaign expenditures total of \$160,254.46. *{See Exhibit K.}* In comparison, total contributions and expenditures per the bank statements total was \$157,933.00. *{See Exhibit L.}* Therefore, there is an unexplained under-reporting of contributions of \$2,686.16 and an over-reporting of expenditures of \$2,321.46.

AUDIT CONCLUSION

Overall, the COE found that the campaign expenditures made from the Andre Williams campaign account that could be audited were in compliance with the requirements of Miami-Dade County Code §12-22 (G), "Use of Funds," as no disallowed expenses were paid with public funds. However, the COE noted that the campaign exceeded the contributions/expenditure limits by \$7,183, in noncompliance with Miami-Dade County Code §12-22 (e)(1); and, also failed to timely file trigger reports as required by County Code §12-22 (i).

With respect to Florida Statutes Title IX, Chapter 106, "Campaign Financing," the COE noted several instances where there was a lack of compliance with some violations more significant than others. The most significant areas of concern include cash payments to campaign workers, the lack of support for reimbursed expenses, campaign expenditures paid through intermediaries and improperly documenting expenditures on the face of the check.

The COE appreciates the cooperation extended by the parties involved with Andre Williams' campaign throughout the course of this audit.

EXHIBITS

- A. Supporting documents reflecting Exceeding Campaign Expenditure/Contribution Limits**
- B. Trigger Reporting**
- C. *(not used by COE)***
- D. Checks Without Documentation**
- E. Checks Without Memo Notation**
- F. Bank Account Closure Letter**
- G. Omar Grant Expenditure Reimbursement / Omar Grant Reimbursement Checks**
- H. Bank Statements with Cash Withdrawals**
- I. Copies of Voided Check to Poll Workers**
- J. Checks to Omar Grant for Cash Payments to Poll Workers**
- K. Summary Schedule of Contributions and Expenditures per CTR's**
- L. Summary Schedule of Contributions and Expenditures per Bank Statement**

APPENDIX

- 1. Campaign's Response to the Draft Audit Report**

Law Office of André L. Williams

June 2, 2006

Robert Meyers
Executive Director
Commission on Ethics and Public Trust
Sent via e-mail
And Regular US mail

Re: Audit of my County Commission Campaign

Dear Mr. Myers,

This serves as my written response to the draft audit report that you forwarded to me on April 14th, 2006.

- I. Candidate did not willfully exceed the \$150,000 expenditures limit set forth in the County Code during the primary election held on August 31, 2004.

I carefully reviewed the campaign financing provisions of the Miami Dade County Code prior to making a loan to my campaign. At the time, I did not, and still do not, believe the \$20,000 loan to my campaign on March 31, 2004 and subsequently repaid on April 6th, 2004 was an "expenditure" as defined in the Miami Dade County Code 12-22 and Florida Statutes Section 106.011. Therefore, I did not report the "repayment of the loan" on my expenditure report in the summer of 2004 and only filed an amendment report listing the "loan" as an "expenditure" with the Miami Dade County Elections Department on 1/11/06 at **your** request after our initial audit meeting.

Section 12-22 of the County Code which governs campaign financing adopts the definition of "expenditure" used in Chapter 106 of the Florida Statutes. Neither the County Code nor the Florida Statutes expressly define "repayment of a personal loan" as an expenditure in any of their provisions.

In addition, I do not recall that this specific issue – "repayment" of loan to a campaign constituting an expenditure – was ever addressed in the Ethics Commission workshops that I attended. When I addressed any substantive questions to the Supervisor of Elections regarding interpretation of the campaign financing ordinance, I was told to hire an elections consultant.

Further, there is no Commission on Ethics opinion which has addressed this issue or which provides any guidance to a candidate on interpreting the County Code's definition of expenditure in the context of a personal loan to a campaign.

While we may disagree on our interpretation of a "loan" or "expenditure", I believe that there is sufficient ambiguity around this issue such that the campaign financing ordinance should be construed in my favor. It is well settled that a civil statute of a penal nature must be construed in favor of the defending party where there is any ambiguity in the substantive statute. See Diaz de la Portilla v. Florida Elections Commission, 857 So. 2d 913 (3rd DCA). (the State Legislature has

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established a high standard which must be met in order for a monetary penalty to be imposed under chapter 106, Florida Statutes which governs violations of election laws in Florida). I hope that the Commission on Ethics applies the same standard in its interpretation of the campaign financing provisions of Section 12-22 of the Miami Dade County code.

If the \$20,000 loan is not counted as an expenditure, I do not exceed the expenditure limit of \$150,000 under the campaign financing provisions of the Miami Dade County Code.

In sum, the campaign financing provisions of the Miami Dade County Code are supposed to encourage a wider array of candidates for public office. Yet, a new, diligent candidate who is unsophisticated in election laws is expected to understand and interpret the various complexities and/ or ambiguities of a new campaign financing law which is not clear on its face. And he can also suffer civil penalties for not following a new, ambiguous rule. That is unfair. Certainly, there was never any willfulness on my part to violate any campaign financing rule.

- II. We may have filed the trigger report with the Supervisor of Elections but do not have any documentary evidence to support the filing.

My campaign manager informed me in July 2004 that he had indeed filed the trigger report with the Supervisor of Elections. I relied on his statement and did not inquire any further. I entrusted him with this responsibility and he gave me no reason to think that he had not filed the trigger report.

- III. The candidate did not willfully violate Miami Dade County Code Section 12-22(f)(3)(a)(1) regarding supporting documentation for expenditures and documenting a stated purpose on faces of checks.

The "campaign workers" and "salaried" employees listed in your Exhibit D were paid a fixed sum on a weekly or bi-weekly basis. These individuals performed various administrative duties related to the campaign. We did not utilize time sheets because they were not hourly employees.

However, their cancelled checks serves as supporting documentation for the expenditures and, in most cases, these checks had a stated purpose "salary" or "wages" on the memo section. In addition, the campaign reports that were filed with the Miami Dade County Department of Elections had a "stated purpose" of "salary" or "wages" for each of these expenditures and serve as supporting documentation for the expenditures, as well.

The other items listed in your Exhibit D were legitimate expenditures for campaign purposes (i.e. consulting, advertising, facility rental, etc). The cancelled checks with a stated purpose and the stated purpose which is also listed on the campaign reports should serve as supporting documentation for these expenditures, as well.

With the exception of Roland Pierre Louis, the individuals who received checks without a "stated purpose" were "campaign workers" or "salaried employees" who had received other checks throughout the campaign for similar dollar amounts with a "stated purpose". See your Exhibit E. I inadvertently failed to add a "stated purpose" to a few checks when I signed them. There was no willful attempt on my

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Law Office of André L. Williams

part to disguise the purposes of the expenditure. Roland Louis Pierre was a consultant who was hired to translate creole for Haitian constituents.

- IV. We acknowledge that we did not properly close our campaign account until December 17, 2004 which is 17 days after the 90 day deadline.
- V. Omar Grant was my campaign manager pursuant to a signed and dated Agreement that was provided to the Commission on Ethics and was paid a monthly salary.

The checks with no stated purpose which you have included as "reimbursements" in Exhibit G were actually salary payments to Mr. Grant. Mr. Grant who was responsible for recording keeping for the campaign has indicated that he provided all of the original receipts and invoices for his reimbursements to the Commission on Ethics.

- VI. We did not willfully violate Florida Statutes Section 106.11(1)(a) which prohibits cash payments to poll workers.

The campaign documented its payments to each poll worker by having each poll worker endorse his/her check and subsequently void the check made payable to him/her. We would keep the voided checks as "receipts" to support payments to the poll workers.

We believed that the spirit of the law was intended to prevent unfettered and undocumented payments to third parties to prevent fraud. We paid poll workers for **actual** work performed on election day and created a record of their service.

Most of these poll workers do not have bank accounts where they could deposit a check. We were trying to accommodate their needs in a manner that we thought was consistent with the election law.

VII. Conclusion

We have made every effort to respond in a timely fashion to the requests from the Commission on Ethics and appreciated their diligence in this audit process. We freely admit that our campaign made a number of mistakes but we made every effort to comply with county code and the election laws. There was never any willful attempt on our part to violate any election law.

We would certainly be interested in working with the Commission on Ethics in any capacity to assist with training or support of future candidates interested who apply for campaign financing under the Miami Dade County Code.

Respectfully submitted,

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